

operating the latch when the output member is driven in the first direction and the second direction.

28. (New) The method of claim 27, wherein the actuator assembly is operatively coupled to a latch, and wherein the method further comprises releasing the latch.

29. (New) The method of claim 27, wherein the actuator assembly is operatively coupled to a latch, and wherein the method further comprises latching the latch.

### **REMARKS**

Reconsideration and allowance are respectfully requested. Claims 1-7 and 15-21 stand finally rejected by the Examiner and claims 8-14 have been withdrawn from consideration. Applicant has added new claims 22-29. Consequently, claims 1-29 are pending upon entry of this Amendment. No new matter has been added. The following remarks place this application in condition for allowance or, in the alternative, in better form for appeal. Entry of this Response is therefore respectfully requested.

#### **§ 102 rejections**

Claims 1-7 and 15-21 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,180,038 to Arnold et al. ("Arnold"). Applicant respectfully traverses this rejection.

The Office Action disagreed with Applicant's arguments that Arnold fails to disclose an actuator that applies a force in a both a first and a second direction. More particularly, the Office Action stated that col. 3, lines 65+ and elsewhere in Arnold teach a structure where "if the spring force is not sufficient to actuate the brake cable in the right direction due to a malfunctioning brake component, the reversible motor will rotate the screw in a clockwise direction (as viewed from the motor end) to assist the spring force thereby actuating the brake cable in the right direction" (p. 4). Applicant respectfully disagrees.

As explained in Applicant's previous response, Arnold teaches using the motor 50 to control the return travel speed of the member 8 as it moves to the right but does not disclose

moving the output member in a second direction, as alleged by the Office Action. Because the biasing force of the spring 30 is toward the right and therefore moves the member 8 toward the right, any force applied by the motor 50 to control the member's return travel speed must be applied to the left, against the biasing force of the compression spring 30. This is true regardless of the direction in which the motor 50 is driving the drive screw 36; the motor 50 is either applying force to the left to compress the spring 30 or applying force to the left to control the spring's 30 expansion toward the right. Either way, the motor 30 actuates toward the left. Thus, regardless of the travel direction of the member 8, the motor 50 always applies a force in a single direction (e.g., to the left), either to move the member 8 to the brake-release position or to slow the member 8 as it is being driven in the opposite direction by the biasing force of the spring 30 to the brake-actuated position. The motor 50 itself does not drive or actuate in the same direction as the spring 30 – it only applies compression force onto the spring or limits the spring biasing force, applying force against the spring force in both cases.

Independent claims 1 and 21, by contrast, specifically recite an actuator that applies a force in a first direction and a second direction to drive the output member to and from the actuated condition, respectively. In other words, the claimed actuator applies force in two different directions depending on whether the output member is to be moved to the actuated condition or to the rest condition.

Applicant respectfully notes that the brake malfunction noted by the Office Action to support the rejection does not appear anywhere in Arnold. The Office Action has not shown where Arnold discloses using the motor 50 to assist the spring force in the rightward direction. Contrary to the Examiner's assertion, Arnold does not teach using the reversible motor to assist the spring force if the spring force is not sufficient to actuate the brake cable due to a malfunctioning brake component. In fact, Arnold does not mention brake component malfunctions at all. Every description assumes that the any force applied by the motor 50 is toward the left, against the biasing force of the spring 30 (see: col. 3, line 65 to col. 4 line 39; col. 5, line 64 to col. 6, line 20; col. 7, lines 46-52). Even the claims assume that the motor drives the movable member only in a direction that is opposite to the spring biasing force direction (col. 7, lines 46-52). Arnold does not even mention anything about brake component malfunction, much

less disclose the specific malfunction and corresponding motor operation described by the Office Action.

Applicant respectfully states that anticipation can be found "only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." MPEP § 2131. The Office Action in this case makes too many inferential leaps to support a rejection under § 102 or § 103: in the final rejection, the Office Action (1) speculates a brake component malfunction not taught by Arnold; (2) assumes that the motor 50 in Arnold assists a spring force to remedy the speculative brake component malfunction, absent any disclosure in Arnold; and (3) assumes that the reversible motor 50 in Arnold actuates the brake cable during the speculative brake component malfunction by applying a force in a direction that is opposite the direction explicitly taught and claimed by Arnold. The Office Action is not permitted to use Applicant's disclosure as a basis for determining what the prior art teaches.

Arnold therefore fails to anticipate claims 1-7 and 15-21, and withdrawal of the rejection is respectfully requested.

#### New claims

Applicant has added new claims 22-29, which depend on patentable independent claims 1 and 21. New claims 22-29 do not require further consideration and or search because they either duplicate what has already been claimed or explicitly claim details about the operating environment of the invention. Support for the new claims can be found in the originally-filed specification at page 1, line 5 to page 2, line 4 and page 5, lines 5-9. Entry and allowance of new claims 22-29 are therefore respectfully requested.

All objections and rejections having been addressed, it is respectfully submitted that the present application is in condition for allowance, and a Notice to that effect is earnestly solicited.

Please charge \$228.00 to Deposit Account No. 50-1482, in the name of Carlson, Gaskey & Olds, for 8 additional claims (\$144.00) and one additional independent claim in excess of three (\$84.00). Applicant believes that no additional fees are necessary, however, the Commissioner is authorized to charge Deposit Account No. 50-1482 in the name of Carlson, Gaskey & Olds for any additional fees or credit the account for any overpayment.

Respectfully submitted,



Anna M. Shih, Reg. No. 36,372  
Carlson, Gaskey & Olds  
400 W. Maple Road, Ste. 350  
Birmingham, MI 48009  
(248) 988-8360

Dated: December 30, 2002

**CERTIFICATE OF MAIL**

I hereby certify that the enclosed After Final Amendment is being deposited with the United States Postal Service as First Class Mail, postage prepaid, in an envelope addressed to Assistant Commissioner of Patents, Box AF, Washington D.C. 20231 on this 30<sup>th</sup> day of December, 2002.



Beth A. Beard

N:\Clients\MERITOR\IP01001\PATENT\07-24-02 amd.DOC